

FILED

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**

JUN 5 2019

BARBARA MOHON,

Plaintiff,

MITCHELL R. ELFERS
CLERK

vs.

No. CV 18-00915 JB\SCY

AGENTRA LLC, TRACYANN NICOLE
HAMILTON and Jane Does 1-10,

Defendants.

DEFAULT JUDGMENT

AGAINST DEFENDANT TRACYANN NICOLE HAMILTON

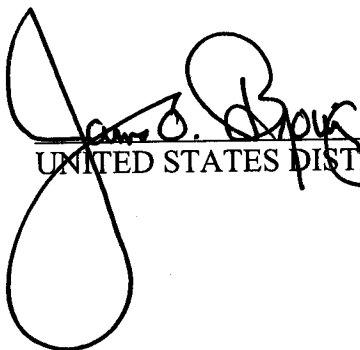
Plaintiff has moved the Court for default judgment against Defendant Tracyann Nicole Hamilton ("Hamilton"). The record before the Court establishes that Hamilton has defaulted for her failure to appear, answer or respond to Plaintiff's Complaint despite receiving service of process. IT IS ORDERED Plaintiff's motion for default judgment is granted.

Plaintiff requests Default Judgment against Hamilton only on her claims for statutory damages pursuant to the Telephone Consumer Protection Act ("the TCPA"), and waives the balance of her claims against Hamilton for purposes of default judgment.

The evidence presented by Plaintiff including the statements in Plaintiff's Complaint and her Declaration, supports judgment against Hamilton for 30 violations of Subsection B of the TCPA and 30 violations of Subsection C of the TCPA. The Court awards Plaintiff \$500 for each of the 60 violations. The evidence presented by Plaintiff including the statements in Plaintiff's Complaint and her Declaration, also supports a finding that the conduct of Hamilton complained of by Plaintiff was knowing or willful. Therefore the Court will exercise its

discretion to treble the statutory damages for a total award to Plaintiff in the amount of \$90,000.00. The Court finds the statutory basis for the award is set forth in Plaintiff's Motion for Default Judgment against Hamilton.

There is no just reason for delay. IT IS ORDERED final default judgment is hereby entered in favor of Plaintiff Barbara Mohon against Defendant Tracyann Nicole Hamilton in the amount of **\$90,000.00**, which shall earn and bear 8.75% simple per annum interest until paid.


UNITED STATES DISTRICT JUDGE

Submitted by:

/s/ Sid Childress

Sid Childress, Lawyer
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Unopposed as to form only by:

by email on 5/29/19

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